UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/135
13 February 2001

Original: ENGLISH, FRENCH
AND SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 11(c) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: FREEDOM OF EXPRESSION

Written statement*/ submitted by Reporters without Borders-International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2001]

*/ This written statement is issued, unedited, as received in English, French and Spanish from the submitting non-governmental organization(s).

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CUBA

Harassment, exile, imprisonment
One hundred independent journalists face the State

Introduction

State control of published or broadcast information has not slackened in Cuba. At a time when their potential audiences are increasing owing to the Internet, about one hundred independent journalists, considered by the authorities to be *"counter-revolutionaries"*, are one of the main targets of repression.

Since 1997 five of them have been sentenced to between six months' and six years' imprisonment, and over one hundred arrests and cases of questioning have been reported. These journalists are frequently victims of accusations, attacks, seizure of equipment, house arrests, pressure on families, friends or contacts, and attempts to discredit or divide them. On 31 of january 2001, two are still jailed.

The relative respite from harassment of all "opponents" after the Pope's January 1998 visit lasted no more than a year. Attempts by several heads of state or government (at the Ibero-American Summit in November 1999 in Havana) to get the Cuban government to democratize the regime were fruitless. Freedom of expression, of the press and of association are still not established in Cuba[1].

Yet, despite the difficult conditions in which they work and the large numbers in voluntary or forced exile, the ranks of independent journalists continue to swell. According to the information collected by Reporters Sans Frontières (RSF), there are currently just over one hundred independent journalists in Cuba, as opposed to a handful in the early 1990s. Formerly with the official media (from which they resigned or were dismissed), the communication sector (editors, translators, archivists, librarians, etc.), the education world or simply technicians, they now work in Havana and in the provinces where police harassment is more intense.

Internet to the rescue

Whether they are experienced professionals, trained by their peers or self-taught, the possibilities open to independent journalists have widened owing to new technologies to which they themselves have no access. The creation in Western countries of Internet sites[2] which host the news they transmit from Cuba (mostly by telephone or fax, when they have one) has widened the scope for dissemination of news that cannot be published in their own country. The number of their contributions (by telephone) to foreign radio stations, usually linked to exiles, has also increased.

New "gagging law"

Promulgated in February 1999, the "88 Law" – soon nicknamed the "gagging law" in dissident circles – weighs like the Sword of Damocles over any person who *"collaborates, by any means whatsoever, with radio or television programmes, magazines or any other foreign media"* or *"provides information"* considered likely to serve US policy. The law provides for very heavy sentences: up to 20 years' imprisonment, confiscation of all personal belongings and fines up to 100,000 pesos (close to 4,800 dollars, while the average Cuban salary is 250 pesos or 12 dollars per month). This law, that no court has taken advantage of as yet, also provides for punishment for "the promotion, organisation or encouragement of, or the participation in meetings or demonstrations".

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[1] Article 53 of the Constitution recognises "citizens' freedom of speech and press", provided it is "consistent with the goals of the socialist society". In Articles 54 and 62 other freedom is subject to equally restrictive conditions.
[2] cubanet.org, nuevaprensa.com, BPIcuba.org, cubafreepress.org, are all hosted by a Cuban community in exile in the United States, and the site of the Inter-American Press Association, cuba.sipiapa.org.

Two journalists jailed
The five independent journalists who were tried and sentenced to jail since 1997 were not clearly charged for disclosing information without authorisation, but for other offences. Two are still behind bars. All are considered by Amnesty International to be prisoners of opinion.

Bernardo Arévalo Padrón: beaten up and in unauthorised exile
35-year-old Bernardo Arévalo, founder of the news agency *Linea Sur* in October 1996 in Aguada de Pasajeros (a town 140 km south-east of Havana, in Cienfuegos province) was arrested on 18 November 1997. He was sentenced by the appeal court on 28 November to six years' imprisonment for "insulting" President Fidel Castro and Vice-president Carlos Lage, by virtue of Article 144 of the Cuban penal code. This former railway worker had said on a foreign radio station that two Cuban leaders were *"liars"*, after accusing them of not meeting democratic commitments made during a Ibero-American Summit.

Manuel Antonio González Castellanos : from provocation to the "graveyard of the living"
Manuel Antonio González Castellanos, aged 43, is a professional journalist and correspondent for the agency *Cuba Press* in Holguín in eastern Cuba. On the evening of 1 October 1998 he was on his way home, where his mother, the daughter of Lidia Doce's, the famous "messenger of the Che" during the revolution, also lives, when he was shouted at and insulted by an Interior ministry official and two state security agents. The journalist lost his temper and ended up holding Fidel Castro personally responsible for such incessant harassment. Manuel Antonio González Castellanos was immediately accused of "insulting" the president. On 6 May 1999 he was sentenced to 31 months in jail.

Arrests and confiscation
The police try more and more often to prevent independent journalists from covering "sensitive" events. Reporters are either arrested (more than 30 of these detentions, which sometimes last several days, have been reported in the year 2000) or are placed under house arrest. On 21 July 2000, for example, the day of the trial (set the day before) of two opponents in Santiago, **Luis Alberto Rivera Leyva**, director of the APLO *(Agencia de prensa libre oriental)* was arrested at his home and released only after the hearing. When these arrests take place the accused are systematically threatened and their equipment is often confiscated.

Attempts to discredit and pressure on families
30 independent journalists suddenly became known in Cuba on 1 November 1999 just before the Ibero American Summit in Havana, when President Fidel Castro cited the name of each of them on two national television channels. They were ridiculed and accused of visiting the US Section of interests in the capital on the occasion of an evening farewell reception organised for the director.

The families or friends of journalists are also victims of reprisals. Countless spouses, brothers or sisters of these "counter-revolutionaries" have lost their jobs because they refused to condemn or inform on the "culprits", and parents or children have likewise been harassed. *"All those who have links with an 'anti-social' person are victims of one or other form of reprisal until they cut all ties and state so publicly"*, commented **Jorge Olivera Castillo**, former editor of the Cuban television news and current director of the agency *Habana Press*, and **Marvin Hernández** (*Cuba Press*), whose families are harassed intensively.

Access to the Internet and to all professional training prohibited
The only two servers on the island are CENIAI, a branch of the Cuban science and technology ministry, and Infocom, run by the Italian-Cuban company ETECSA (Empresa de Telecomunicaciones de Cuba). Applicants must have a valid reason, in the authorities' eyes, to request access. Individual persons have to go to the ministry themselves. If the application is approved, they sign a contract with restrictive clauses. Thus, use of the Internet *"that violates moral principles of Cuban society or the laws of the country"* is prohibited. Electronic exchange must not *"undermine national security"*. Only senior government officials, a few researchers or specialists (watched by their superiors when they surf on the Net at work) and foreign firms represented in Cuba have total access to the Web.

Survive in fear or go into exile

On an island where the state is the only employer, independent journalists, paid very little by the sites that host their articles and never paid for their contributions to US radio stations, rely, like many Cubans, on money sent from their families in exile. The Cuban authorities, which have always preferred dissidents to leave the country (without the possibility of returning), subject them to intense pressure to go into exile. Some unrelentingly refuse. Others, tired of the pressure, especially when it affects their families, ask for a visa, most often to the United States but also to European or Latin American countries. Not all of them obtain one. Fourteen independent journalists went into exile in 1999 and 18 have done so since the beginning of 2000. Between 1993 and 1998 the total was only 17, according to information collected by RSF.